

Investigation by the Department of Telecommunications and Energy on)
its own motion pursuant to G.L. c. 159, §§ 12 and 16, into Verizon) D.T.E. 01-34
New England Inc., d/b/a Verizon Massachusetts' provision of)
Special Access Services.)

AT&T Communications of New England, Inc., opposes Verizon's request for an extension of ten days to file responses to DTE-VZ 4-17, DTE-VZ 4-24, DTE-VZ 4-1 and WCOM/ATT 4-17. Verizon's untimely request for an extension and its failure to file responses timely flouts the Amended Ground Rules as adopted by the Hearing Officer on January 10, 2002. Verizon's request for a ten day extension should be denied and Verizon should be penalized for its continuing failure to file responses in a timely fashion in this proceeding.

Verizon did not file its request for extension until March 4, 2002 – one business day *after* its responses to the Department were due and *the day* that its responses to AT&T and WorldCom were due. The Hearing Officer’s Amended Ground Rules state:

Verizon's responses to the Department's requests were due on March 1, 2002 (ten business days after the issuance of these requests on February 14, 2002). Verizon's responses to AT&T and WorldCom's requests were due on March 4, 2002 (ten business days after issuance of the

requests on February 15, 2002). Verizon not only has failed to file its responses on time, but Verizon also failed to file its request for extension before its responses were due, as specifically required by the Amended Ground Rules.

II. VERIZON'S FAILURE TO RESPOND TIMELY TO DTE-VZ 4-24 IS OUTRAGEOUS GIVEN THE FACT THAT AT&T AND WORLDCOM ASKED THE SAME QUESTION ON OCTOBER 24, 2001.

Verizon claims that it has “good cause” to request an additional ten days to respond to the Department’s request in DTE-VZ 4-24. In this request, the Department asked:

Refer to Verizon’s reply to WCOM/ATT 2-2. Please answer the question for wholesale customers and state for each month the number of circuits for which an ASR was either rejected or queried within 24 hours for affiliated and non-affiliated carriers in accordance with the given instructions in WCOM/ATT 2-2.

AT&T and WorldCom asked the exact same question on October 24, 2001 in WCOM/ATT-VZ 2-2:

For each report dimension [Verizon Retail, Affiliated Carriers, and Non-Affiliated Carriers] and service disaggregation indicated in Instruction 13 and utilizing the time period specified in Instruction 9, state for each month:

- (a) the number of circuits (as defined in Instruction No. 14) ordered or requested; and
- (b) the number of such circuits for which an ASR was either rejected or queried within 24 hours, excluding disconnects, Verizon test orders, Verizon administrative orders, and records only orders.
- (c) the number of circuits (as defined in Instruction 14) ordered or requested for which the ASR was deemed “good,” but for which a FOC was not sent.

(emphasis added).

First, Verizon has not shown good cause why it has taken over three months to “determine the availability of that [wholesale] data, as well as assemble and verify the data obtained.” *Verizon Request for Extension of Time*, at 2. This exercise should have been completed months ago and certainly should not require an extra ten days.

Second, Verizon claims “good cause” for seeking additional time to respond to DTE-VZ 4-1 to update WCOM/ATT-VZ 1-2. This is exactly the same information described above, information which AT&T and WorldCom requested three months ago and which Verizon should be able to update in fewer than ten days.

III. VERIZON’S FAILURE TO RESPOND TO THESE REQUESTS PREVENTS THE DEPARTMENT AND CLECS FROM INVESTIGATING VERIZON’S CLAIM THAT THE VERIZON DATA SHOWS PROVISIONING PARITY.

Verizon’s panel states in its testimony that Verizon’s performance has improved “as evidenced by Verizon MA’s most recent data.” *Verizon Panel Testimony*, D.T.E. 01-34, at 2. The Department and CLECs must have an opportunity to investigate this claim. Verizon, however, has not provided the data sought by the Department and AT&T and WorldCom in order to verify this Verizon assertion.

Verizon claims that the evidence indicates provisioning parity despite the fact that Verizon does not track and Verizon has not provided: (1) the reasons why ASRs are sent back to a customer (DTE-VZ 4-17); or (2) the number of circuits rejected or queried within 24 hours on a monthly basis (DTE-VZ 4-24); or (3) the number of open orders (backlog) that have been in a hold status for more than 10 calendar days or 30 calendar days (WCOM/ATT 4-17). Moreover, Verizon’s claim that “recent data” supports its position in this proceeding is undermined by the fact that Verizon has not provided the recent data on the number of circuits ordered or requested from Verizon (DTE-VZ 4-1 and WCOM/ATT-VZ 1-2) and the average interval offered and completed (DTE-VZ 4-1 and WCOM/ATT-VZ 1-18).

IV. VERIZON’S UNTIMELINESS SHOULD BE PENALIZED AS CONTEMPLATED BY THE AMENDED GROUND RULES.

Verizon’s failure to respond to these Department and AT&T/WorldCom requests illustrates the repeated and systemic refusal of Verizon to provide information in this proceeding.

AT&T recommends that Verizon be allowed four days, at most, to file the late responses to the information requests. Should the Department grant Verizon any extension to respond, AT&T objects to any extension of the hearings scheduled for March 25-27, 2002.

Moreover, in order that AT&T have the requisite time to respond to the late-filed Verizon responses, AT&T requests that the Department allow the CLECs until March 20, 2002, or five days after Verizon's last response is filed, whichever is later, to file surrebuttal testimony. This request conforms with the Amended Ground Rules which state:

If any party files late responses absent an extension, the Hearing Officer will consider attributing the delay to the portion of the procedural schedule set for that parties' filing; the time allotted for the offending party's filing will be shortened accordingly.

Not only did Verizon fail to file its information request responses on time, but it also failed to file its request for an extension on time. Verizon, and not the CLECs, should be penalized for this double untimeliness. The Department should adjust the schedule, once again, for Verizon's failure to provide accurate and timely responses. The Department should maintain the hearing dates of March 25-27, 2002, and allow the CLECs until March 20, 2002, or five days after Verizon's last response, whichever is later, to file surrebuttal testimony. If this reduces Verizon preparation time prior to the hearings, those constraints are of their own doing and specifically

contemplated by the Amended Ground Rules.

Respectfully submitted,

**AT&T COMMUNICATIONS OF
NEW ENGLAND, INC.**

Mary E. Burgess
111 Washington Ave
Room 706
Albany, New York 12210
(518) 463-3148 (voice)
(518) 463-5943 (fax)

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Jeffrey F. Jones, Esq.
Kenneth W. Salinger, Esq.
Jay E. Gruber, Esq.
Katherine A. Davenport, Esq.
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
(617) 239-0499